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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,167	04/25/2001	Michael G. Foulger	2018.0030001	4114
26111	7590	02/27/2006	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 02/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/841,167	FOULGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. The following is a Final office action in response to communications received 12/22/2005. Claims 1-33 are pending.

### ***Response to Amendment***

2. Applicant's amendment to the specification is sufficient to overcome the specification objections set forth in the previous office action.

### ***Response to Arguments***

3. Applicant's arguments with regards to Carpenter et al. (U.S. 2003/0229638) have been fully considered, but they are not persuasive. In the remarks, applicant argues that Carpenter et al. does not teach or suggest matching the data to one of a plurality of employment market categories.

In response to this argument, Examiner respectfully disagrees. Carpenter et al. specifically discloses processing and indexing documents. Documents are classified as job-postings, resumes, or irrelevant. The classification further includes location information (city, state, and zip code). Through this process, the document becomes searchable, such as by city, state, etc. See paragraphs 0042-3. See also paragraphs 0044-5 and 0049-50 for context. Therefore, the data accessed is matched to a "plurality of employment market categories", such as being matched to the location information.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3623

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter et al.

(U.S. 2003/0229638).

5. As per claim 1, Carpenter et al. teaches a method of generating employment market statistics from a network, comprising the steps of:

(a) accessing an employment resource via the network, the employment resource comprising data (See paragraphs 0013, 0019, 0036 which discloses accessing via the Internet employment resource data);

(b) matching the data to one of a plurality of employment market categories (See paragraphs 0019-20, 0036, 0042-3, wherein the data is matched to a market category); and

(c) updating at least one statistical indicator associated with the matched employment market category (See paragraphs 0046-7, 0054-6, wherein indexed data is collected, organized, and interpreted).

6. As per claim 2, Carpenter et al. wherein step (c) comprises the step of incrementing a counter associated with the matched employment market category (See paragraphs 0039, 0045, 0048-9, wherein a counter is updated associated with the match, the counter counting the time).

7. As per claim 3, Carpenter et al. teaches wherein step (c) comprises the step of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (See paragraphs 0054-6, wherein a relation of a resume to multiple job listing or a job listing to multiple resumes occurs).

8. As per claim 4, Carpenter et al. teaches wherein step (c) comprises the steps of:

incrementing a first counter associated with the matched employment market category when the employment resource is a resume (See paragraphs 0036 and 0046-9, wherein a counter is updated associated with the matched resume, the counter counting the time);

incrementing a second counter associated with the matched employment market category when the employment resource is a job listing (See paragraphs 0036 and 0046-9, wherein a counter is updated associated with the matched job posting, the counter counting the time).

9. As per claim 5, Carpenter et al. discloses wherein each of the plurality of market categories corresponds to a particular labor type and region (See figure 10 and paragraphs 0042-3, 0050, which discloses title, description, and location).

10. As per claim 6, Carpenter et al. discloses wherein step (b) comprises the steps of:

matching the employment resource to a raw category (See figure 2, and paragraph 0037, 0042, which discusses the received information being categorized as unprocessed);

matching the employment resource to an interim category (See figure 2 and paragraph 0042, wherein the data is processed and temporarily stored in a short term state category);

matching the employment resource to an employment market category (matching to final category (See paragraph 0042-3, wherein the resource is matched).

11. As per claim 7, Carpenter et al. teaches wherein the employment resource is a resume (See figure 10 and paragraph 0036, wherein the resource is a resume).

12. As per claim 8, Carpenter et al. teaches wherein the employment resource is a job listing (See figure 10 and paragraph 0036, wherein the resource is a job posting).

13. As per claim 9, Carpenter et al. discloses wherein step (a) comprises the steps of:

sending a client request across the network to a server (See figure 1 and paragraphs 0013, 0019, 0036-7, wherein the request is sent via a network and server); and

receiving the employment resource via the network (See figure 1 and paragraphs 0013, 0019, 0036, wherein the resource is received).

14. As per claim 10, Carpenter et al. discloses a method further comprising the steps of: repeating steps (a) through (c) for each of a plurality of employment resources (See paragraphs 0036-7, 0039, 0045, 0054-6, wherein the process repeats to maintain fresh data); and for each of the plurality of market categories, plotting the associated statistical indicator (See paragraphs 0022, 0054-0056, wherein the updating indicator is designed and mapped).

15. As per claim 11, teaches wherein step (c) comprises the steps of: marking the updated statistical indicator with a time stamp that indicates a current time interval (See paragraphs 0039, 0046-8, 0054-6, wherein a time stamp (document date) is associated with the data of the updated statistical indicator); and storing the marked statistical indicator (See paragraphs 0039, 0046-8, wherein the time stamp is stored).

16. Claims 12 and 13-22 recite equivalent limitations to claims 1 and 1-10, respectively, and are therefore rejected using the same art and rationale applied above.

17. As per claim 23, Carpenter et al. teaches the limitations of claim 23 as discussed above with regards to claim 1. Carpenter et al. further teaches a spider engine that accesses an employment resource and a statistical analysis engine (See paragraphs 0035-6, 0039, 0047 which discusses a spider engine accessing the data over the network. See paragraphs 0047-8, 0054-6, which discusses an analysis engine).

Art Unit: 3623

18. Claims 24-33 recite equivalent limitations to claims 1-10, respectively, and are therefore rejected using the same art and rationale applied above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beck et al. (U.S. 6,587,832) discloses a market evaluation system that analyzes market pay by category.

Donnelly et al. (U.S. 6,049,776) teaches a human resource application that tracks employment data and job data.

Clark et al. (U.S. 5,164,897) teaches matching data to job criteria.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*bvd*  
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February 22, 2006.



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